IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.825 OF 2005

Mr.Farhan Khot ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr.M.H.Solkar for the applicant.

Mrs.P.H.Kantharia, Addl.Public Prosecutor for the Respondent/State.

Coram : R.M.LODHA & R.S.MOHITE,JJ

Date : 16.02.2005.

PC

. Heard the learned Counsel for the accused/applicant and the learned Additional Public Prosecutor for the State.

2. The applicant is facing trial before the Special Court in the POTA at Bombay for the offences punishable under Sections 302, 307, 326, 327, 332, 427, & 120-B of the IPC read with Sections 3 & 4 of the Prevention of Terrorism Act 2002, under section 5, 9(b) of Indian Explosives Act read with section 3 of the Explosive Substances Act read with section 3 of Damage to Public Property Act and read with section 151 of the Indian Railways Act. The applicant made an application for grant of bail,

that came to be rejected by order dated 3.12.2004.

Aggrieved thereby, the applicant has preferred Criminal appeal under Section 34 of POTA-2002. The appeal suffers from delay of 36 days and therefore, by means of this application the applicant prays for condonation of delay.

3. In paragraph-2 of the application, the applicant has set out the reasons that resulted in delay.

4. Having considered the reasons set out in paragraph-2 of the application, we are satisfied that the applicant was prevented by sufficient cause in filing the appeal in time. Delay in filing Criminal appeal is accordingly condoned.

5. Criminal application stands disposed of.

(R.M.LODHA,J)

(R.S.MOHITE,J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.121 OF 2005

Mr.Farhan Khot ..Appellant

V/s.

The State of Maharashtra ..Respondent

Mr.M.H.Solkar for the appellant.

Mrs.P.H.Kantharia, Addl.Public Prosecutor for the Respondent/State.

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 16.02.2005.

PC

. The appeal is time barred by 36 days. By a separate order passed by us today in Criminal application 825 of 2005 we have condoned the delay.

2. An appeal under Section 34 of POTA-2002 is available to an aggrieved party on facts as well as on law.

3. Sub-section 4 of Section 34 of POTA-2002 provides that an appeal shall lie to the Court Court against an order of the Special Court granting or refusing bail.

4. Thus, we are satisfied that the appeal requires

consideration.

5. Admit.

6. The State is already represented by the learned Additional Public Prosecutor.

7. Taking over all facts and circumstances of the case, we are of the view that appeal deserves to be heard on early date.

8. We accordingly direct the office to post this Criminal appeal for final hearing on 21.03.2005. The Counsel for the appellant as well as learned Additional Public Prosecutor are directed to keep their respective compilation of documents and material upon which they seek to place reliance ready for the perusal of the Court on the date of hearing of the appeal.

(R.M.LODHA,J)

(R.S.MOHITE,J)